

BEFORE
THE PUBLIC SERVICE COMMISSION OF
SOUTH CAROLINA
DOCKET NO. 97-321-C - ORDER NO. 97-992
NOVEMBER 19, 1997

IN RE: Application of WorldCom Technologies,) ORDER
Inc. for a Certificate of Public) APPROVING
Convenience and Necessity to Operate as) CERTIFICATE
a Competitive Local Exchange Carrier) TO PROVIDE
throughout those areas of the State of) LOCAL SERVICE
South Carolina in which BellSouth)
Telecommunications, Inc. and GTE South,)
Inc. are the Incumbent Local Exchange)
Carriers.)

This matter comes before the Public Service Commission of South Carolina ("the Commission") by way of the Application of WorldCom Technologies, Inc. ("WorldCom Technologies" or "the Company"). The Application requests that the Commission grant a Certificate of Public Convenience and Necessity to allow WorldCom Technologies to operate as a competitive local exchange carrier ("CLEC") throughout those areas of South Carolina in which BellSouth Telecommunications, Inc. ("BellSouth") and GTE South, Inc. ("GTE") are the incumbent local exchange carriers ("ILECs"). The Application was filed pursuant to S.C. Code Ann. §58-9-280 (Supp. 1996), and the Regulations of the Commission.

By letter dated July 25, 1997, the Commission's Executive Director instructed WorldCom Technologies to publish, one time, a prepared Notice of Filing and Hearing in newspapers of general circulation in the areas affected by the Application. The purpose

of the Notice of Filing and Hearing was to inform interested parties of the manner and time in which to file the appropriate pleadings for participation in the proceedings and to provide notice of the hearing date on this matter. WorldCom Technologies complied with this instruction and provided the Commission with proof of publication of the Notice of Filing and Hearing. A Petition to Intervene was received from the South Carolina Telephone Coalition ("SCTC").

A hearing was convened on October 29, 1997, at 10:30 a.m. in the Commission's Hearing Room. The Honorable Guy Butler, Chairman, presided. WorldCom Technologies was represented by Frank R. Ellerbe, III, Esquire. The Commission Staff ("Staff") was represented by Florence P. Belser, Staff Counsel. The SCTC did not appear at the hearing.

In support of its Application, WorldCom Technologies presented Mark Argenbright, Director of Industry Relations for WorldCom, Inc. ("WorldCom"), to testify. The purpose of Mr. Fuglie's testimony was to explain the local exchange services WorldCom Technologies proposes to offer in South Carolina and to review WorldCom Technologies' qualifications to provide such services.

DISCUSSION

S.C. Code Ann. §58-9-280 (Supp. 1996) provides that the Commission may grant a certificate to operate as a telephone utility ... to applicants proposing to furnish local telephone service in the service territory of an incumbent LEC.

After full consideration of the applicable law, WorldCom Technologies' Application, and the evidence presented at the hearing, the Commission finds and concludes that the Certificate sought by WorldCom Technologies should be granted. The Commission's determination is based on the following criteria as provided in S.C. Code Ann. §58-9-280 (Supp. 1996) and the evidence presented at the hearing which relates to that criteria:

(1) The Commission finds that WorldCom Technologies possesses the technical, financial, and managerial resources sufficient to provide the services requested. S.C. Code Ann. §58-9-280(B)(1) (Supp. 1996). Mr. Argenbright testified that WorldCom Technologies' local service operations in South Carolina will be operated in conjunction with its present provision of long distance services. According to Mr. Argenbright, the members of WorldCom Technologies' management team have extensive experience in providing high quality facilities-based and resold telecommunications services on both a local and interexchange basis. Further, Mr. Argenbright testified that WorldCom Technologies has access to adequate technical, managerial, and financial resources to perform the local exchange services for which it seeks authority. Mr. Argenbright also offered that WorldCom Technologies current successful provision of interexchange resale services in South Carolina, along with WorldCom Technologies' affiliates successful provision of both resold interexchange services and local exchange services across the country is proof of WorldCom Technologies' technical,

managerial, and financial ability to provide local exchange services in South Carolina.

No other party offered any evidence in opposition to Mr. Argenbright's testimony. Based on the undisputed evidence of the record, the Commission finds that WorldCom Technologies possesses the technical, financial, and managerial resources sufficient to provide the services requested.

(2) The Commission finds that WorldCom Technologies will provide services that will meet the service standards of the Commission. S.C. Code Ann. §58-9-280(B)(2) (Supp. 1996). Mr. Argenbright testified that WorldCom Technologies seeks to provide local exchange telecommunications services. Mr. Argenbright specifically stated that WorldCom Technologies will comply with all applicable rules, policies, and statutes applicable to the offering of those services and that WorldCom Technologies fully intends to meet the Commission's service standards. Furthermore, counsel for WorldCom Technologies stated that WorldCom Technologies would make certain changes to its tariff, as suggested by Staff, to bring the tariff into compliance with Commission Rules and Regulations. No party offered any evidence to dispute Mr. Argenbright's testimony. Based on the undisputed testimony from Mr. Argenbright, the Commission believes, and so finds, that WorldCom Technologies will provide telecommunications services which will meet the service standards of the Commission.

(3) The Commission finds that WorldCom Technologies' "provision of service will not adversely impact the availability

of affordable local exchange service." S.C. Code Ann. §58-9-280(B)(3) (Supp. 1996). Mr. Argenbright stated that WorldCom Technologies' service offerings would not adversely impact the availability of affordable local exchange service. In addition, Mr. Argenbright offered that approval of WorldCom Technologies application would further the public interest by expanding the availability and variety of high quality local services in South Carolina. No party offered any evidence that the provision of local exchange service by WorldCom Technologies would adversely affect local rates. Therefore, based on the undisputed evidence of record, the Commission finds that provision of local exchange services by WorldCom Technologies will not adversely impact affordable local exchange service.

(4) The Commission finds that WorldCom Technologies will support universally available telephone service at affordable rates. S.C. Code Ann. §58-9-280(B)(4) (Supp. 1996). Mr. Argenbright testified that WorldCom Technologies will comply with the Commission's universal service requirements. No party disputed Mr. Argenbright's testimony. Based on the undisputed evidence of record, the Commission finds that WorldCom Technologies will participate in support of universally available telephone service at affordable rates.

(5) The Commission finds that the provision of local exchange service by WorldCom Technologies "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996). Mr. Argenbright offered that

approval of WorldCom Technologies to provide services will benefit consumers by expanding the availability and variety of high quality local services in South Carolina as well as by offering the convenience to consumers of one-stop shopping for both their local and long distance telecommunications needs. Further, Mr. Argenbright stated that the presence of WorldCom Technologies in the market will increase the incentives for the ILECs to reduce their prices, operate more efficiently, offer more innovative services, and improve the their quality of service. Mr. Argenbright's testimony was undisputed as no party offered any evidence that approval of WorldCom Technologies' Application would adversely impact the public interest. Therefore, the Commission finds that approval of WorldCom Technologies' Application for a Certificate to provide local exchange service "does not otherwise adversely impact the public interest." S.C. Code Ann. §58-9-280(B)(5) (Supp. 1996).

Therefore, based on the findings above, the Commission finds and concludes that the Certificate sought by WorldCom Technologies should be granted.

IT IS THEREFORE ORDERED THAT:

1. The Application of WorldCom Technologies for a Certificate of Public Convenience and Necessity to operate as a CLEC throughout those areas of South Carolina in which BellSouth and GTE are the incumbent local exchange carriers is hereby approved.
2. WorldCom Technologies shall file, prior to offering local

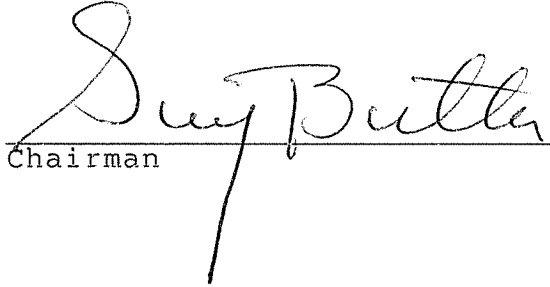
exchange services in South Carolina, a final tariff of its service offerings. The final tariff shall include the modifications and changes as proposed by the Commission Staff and to which WorldCom Technologies agreed.

3. WorldCom Technologies shall, in compliance with Commission regulations, designate and maintain an authorized utility representative who is prepared to discuss, on a regulatory level, customer relations (complaint) matters, engineering operations, and tests and repairs. In addition, WorldCom Technologies shall provide to the Commission in writing the name of the authorized representative to be contacted in connection with general management duties as well as emergencies which occur during non-office hours. WorldCom Technologies shall file with the Commission the names, addresses, and telephone numbers of these representatives within thirty (30) days of receipt of this Order. (Attachment A shall be utilized for the provision of this information to the Commission.) Further, WorldCom Technologies shall promptly notify the Commission in writing if the representatives are replaced. WorldCom Technologies is directed to comply with all Commission regulations unless expressly waived by the Commission.

4. WorldCom Technologies shall conduct its business in accordance with Commission decisions and Orders, both past and future, including, but not limited to, any and all Commission decisions which may be rendered in Docket No. 96-018-C regarding local competition.

5. This Order shall remain in full force and effect until further Order of the Commission.

BY ORDER OF THE COMMISSION:


Chairman

ATTEST:


Deputy Executive Director

(SEAL)

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ATTACHMENT A

INFORMATION OF THE AUTHORIZED UTILITY REPRESENTATIVES
FOR INTEREXCHANGE, LOCAL AND AOS COMPANIES

PURSUANT TO SOUTH CAROLINA PUBLIC SERVICE COMMISSION
REGULATION 103-612.2.4(b), each utility shall file and
maintain with the Commission the name, title, address, and
telephone number of the persons who should be contacted in
connection with Customer Relations/Complaints.

Company Name/DBA Name

Business Address

City, State, Zip Code

Authorized Utility Representative (Please Print or Type)

Telephone Number

Fax Number

E-Mail Address

This form was completed by

Signature

If you have any questions, contact the Consumer Services
Department at 803-737-5230